

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOSHUA MOULIN,

Plaintiff,

v.

CITY OF CENTRAL POINT,
KRISTINE ALLISON, MICHAEL
ANDERSON, and BRIAN DAY,

Defendants.

Case No. 1:17-cv-00857-CL

ORDER

MCSHANE, Judge:

Magistrate Judge Mark D. Clarke filed a Findings and Recommendation (ECF No. 163), and the matter is now before the Court on Defendants' objections. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). I review de novo. *United States v. Bernhardt*, 840 F.2d 1441, 1445 (9th Cir. 1998). I find no error and conclude the report is correct. Magistrate Judge Clarke's Findings and Recommendation (ECF No. 163) is adopted in full. Defendants' Motion for Summary Judgment (ECF No. 119) is GRANTED in part and DENIED in part. The parties have thirty days to consent to trial before a magistrate judge. If the parties do not consent, the case will be reassigned to Judge Michael J. McShane.

1 -ORDER

Also before the Court are Plaintiff's objections to Magistrate Judge Clarke's Order denying sanctions against Defendant City of Central Point (ECF No. 169). I review non-dispositive matters under the deferential "clearly erroneous" standard. *See* Fed. R. Civ. P. 72(a). In his Order, Magistrate Judge Clarke noted the fully developed record in this case and found no evidence of Defendant's bad faith during the course of discovery nor prejudice to Plaintiff. Accordingly, I find that Magistrate Judge Clarke's Order denying sanctions (ECF No. 162) is not clearly erroneous or contrary to law.

IT IS SO ORDERED.

DATED this 5th day of July, 2022.

/s/ Michael J. McShane
Michael McShane
United States District Judge